

Village of Phoenix
Regular Board Meeting
Tuesday, September 16, 2014 at 7:00 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

Present:	Absent Mayor Anthony Fratto	Sergeant James McKenna
	Deputy Mayor Danny Dunn	Village Clerk Roxanne Demo
	Trustee John Halstead	Attorney Steve Primo
	Trustee David Pendergast	Absent Jim Lynch
	Trustee Ryan Wood	

50 Public in Attendance

Deputy Mayor Danny Dunn began the Board Meeting with a salute to the flag at 7:15 PM.

Deputy Mayor Report

Deputy Mayor Dunn advised the Village's he would like to suspend the sidewalk program until next spring due to lack of manpower and the amount of work that still needed to be completed. All board members were in agreement. Deputy Dunn stated he'd like the employee that stays late (until 8:00 p.m.) for the DPW be put back onto days to give them an extra person and he feels it's a safety issue with him working alone. All board members were in agreement.

Trustee Reports

Trustee John Halstead had nothing to report.
Trustee David Pendergast had nothing.
Trustee Ryan Wood had nothing to report.

Sergeant James McKenna

Sergeant McKenna said this was the time of the year when they see car larcenies pick up again. He indicated there were a lot more people back in the Village that had been gone all summer now that school has started up again. He advised the Board and public in attendance to keep their windows closed, to be on the look out for anyone that does not belong, and if anything looked suspicious call it in. He reminded them they were the eyes and ears of the Department. Trustee David Pendergast asked how the Tahoe is running. McKenna indicated it was barely running, and that it took five tries to start it to get it into the garage the other day.

Attorney Steve Primo

Attorney Primo asked to address the Board and the public tonight before they get started, because over the last week or so, things have really heated up. He indicated this meeting had the best attendance we've ever had at a Board meeting and the first thought that came to his mind was if more people attended, they probably wouldn't have to address these issues tonight. He

indicated he wasn't aware if everybody was aware of the history of what the Village of Phoenix has been going through and what the Board of Trustees has had to deal with respect to the Village's infrastructure. He advised he was aware there was a lot of concern about water quality, and explained that the Village, in addition to the water issues, is under a DEC Consent Order for the Waste Water Treatment Plant. He indicated the Consent Order was a calculated move on the Village's part in order to avail themselves of grant moneys and low interest loans, and the Board has proceeded under that Consent Order to address problems due to a Waste Water Treatment Plant and sanitary sewer situation that had not been addressed since early or mid 1970's. Attorney Primo indicated the Village infrastructure is old, that's why the Village has been struggling with the WWTP, these matters had been unaddressed for years and by several administrations but that the current administration was now having to deal with it. He advised, the Village water supply system, within the last 4 or 5 years, has been under what is called a GWUDI (Ground Water Under Disturbance of Surface Water). Attorney Primo advised the Village and the Oswego County Health Department have both conducted periodic testing which evidenced that surface water was getting into the ground water. He advised that those test results indicate that if substances that could be carcinogenic or similarly dangerous substances are found on the surface, they could potentially have a route into the ground water. He advised when this problem came up, the first thing the Village did in conjunction with discussion with Oswego County, was to have a study done and at the close of that study there were several options proposed that the Village could take to address the problem. Attorney Primo advised the option chosen was done so, because it was the least expensive option and that residents and the Village Board has been protective of our water system. He advised Oswego County took the position from the very start to go ahead and try it, but did not believe it would work. Just to give the public an idea of costs, Attorney Primo advised the project cost for the chosen option was an estimated \$200,000, but could not be totally completed and the Village Board was continuing to look at another options to finish out that project,. He advised all the other options would have cost the Village somewhere between three to five million. He further advised that the actions taken thus far have helped, but didn't do the trick, so the Village has to look at other options and that's what the Board is proceeding with. He advised Oswego County doesn't think they are moving quickly enough but aside from simply trying to resolve the problem, the Village is tasked with trying to resolve it the cheapest way possible not only as to the project cost itself, but also going forward because under the first option we would still be getting our water through our well system instead of paying for it. He advised when the water problem is resolved at its source, there will still be a big job ahead of the Village because the transmission system, and resident water pipes (laterals) are old. He further advised that everybody in the Village and all outside water users received a notice periodically telling them exactly what the water problem was, and the Village puts out an annual water report that is also sent to Oswego County and he believed to the NYS Dept. of Health. He advised the Village's water passes every test, and that the Village has a licensed water operator that oversees the Village's water system and that he files either daily or weekly reports with Oswego County. He indicated the County is aware of what is going on, and that the only problem Oswego County has had with the Village that is a technical violation is based on the GWUDI failure of the quarterly notice requirement – they were not sent out on two occasions. Attorney Primo spoke at some length about this boards history on this issue including in 2011 or so taking an active role in opposing a gravel pit project in the wellhead overlay. He referenced the Village Mayor and each Board member and departments individually regarding their work efforts, knowledge and how they have been working to resolve not only the water issues, but numerous other issues the Village has had to deal with. He also discussed a

FOIL request received pertaining to the water issues that was several pages in length and sought years of records. This would need to be addressed.

Miller Engineering

Doug Miller reported that in the last month they had been working on the water issue with the Village Board and the Oswego County Health Department, and in addition assisted with modifying the terms of the New York State DEC Consent Order with respect to the Wastewater Treatment Plant. And with respect to the WWTP, he advised he had met at the site with the DEC and developed a plan to move forward. He indicated their next step will be developing a hydraulic system. He also advised the Village had no reported SSO's in the last month, and had received very positive feedback from the DEC. Engineer Miller advised they had reduced the costs that are associated with this promote economic development and support this more along the river. With that being said, myself and my staff have been very busy and have had daily contact with the regulators and complaint agents. As a matter of fact, I've met with Mike Mannigan with Rural Development and gave him status of the wastewater projects and an overview of the water side where we are and it was very positive and we've been talking with the Regional Director, to go to the max of \$750,000 for the project and we're trying to implement as much as we can.

On the Main Street grant we've initiated the phase one site assessments for those properties we need to get with Jim Lynch and get some contact information and we'll continue moving forward.

Engineer Miller believed they have the bathhouse plans finalized and the Village should be good to go shortly with that project within this year. They needed to get one more quote.

With respect to the water issues, Engineer Miller advised they have had a hydrogeologist at the site for the last two weeks putting transducers in and he has been in contact with Oswego County Health Department's Mr. Havener going over the results of the well. He advised they were going to put a camera in the following day to see what was going on in the well. He indicated his firm was hired to come out here and take a look at the groundwater in the system, and has received and reviewed the documentation over the past several years and he believed the Village's system was in compliance with regulatory issues as far as drinking water is concerned. Engineer Miller advised the one thing that the Village was not in compliance with was the drinking water under the influence. To resolve same they were looking at three options, and are consulting with the State DOH, the County DOH, Rural Development and the EFC Corporation on this topic and hoping to have a resolution on the direction to go in at the end of this month or maybe a little longer. Engineer Miller advised one is to rehab the wells and reuse the wells. The second is to potentially build a water treatment plant, and the last alternative they looked at is purchasing water from Metropolitan Water. He advised that he will hopefully by the end of the month or the middle of next month have his report done with some analysis so the board can make a decision based on regulatory compliance and reasonability.

Attorney Primo advised the Village previously had Dunn & Sgromo doing the work on the water, and the report he was referring to, was his. He indicated he was concerned they were giving off the impression the work of the former Village Engineer was being done over, when really the

new engineering firm was merely continuing the work and in addition approaching some of the issues in a new way.

Attorney Primo advised the Oswego County Department of Health was looking for the Village to make an election by September 30th and but thought it was impossible to finish all of the preliminary work by September 30th. He asked Engineer Miller what he thought was Engineer Miller advised eh thought two or three more weeks would be needed, and that they should be done with the report by mid-October. Attorney Primo suggested they have the report done by October 25th and then the Village Board can give the County their decision by the 10th or so.

Deputy Dunn asked Engineer Miller to confirm that if the Board opts to go with OCWA that it was not going to happen overnight, i.e., that it would not be as simple as going out and turning a valve, and that hooking up to OCWA would not solve the Village's problems because there still would areas with discolored water due to the aging infrastructure.

Attorney Primo agreed with Deputy Dunn and advised a couple years ago the Board, while looking at all the project costs, looked at a capital plan where the Village would, street by street, sort of like they might now try to do with the sanitary sewer, address those issues. However, he noted things have changed a little bit since their last meeting with the DEC, and they now might be able to reduce the scope of that work and therefore the cost and maybe now the Village could look at replacement of the water infrastructure as a big project to be done within a short period of time. Trustee Deputy Dunn then discussed the history of the Kline and Foster wells, and the issues with same over the years.

Trustee David Pendergast asked Engineer Miller about the status of the WWTP belt press. Engineer Miller advised they had initiated the design of the belt press and looking into getting a conveyer belt to come out of the building into the existing bed and then the disposal of that would hopefully be a couple times a year. He indicated they were going to have to put up a building that would likely be brick and rock, and plumbing and ventilation would also need to be addressed. He indicated the project would likely be in the ballpark \$100,000. Attorney Primo stated that in conjunction with the with the belt press, the Village was looking at a total project cost of \$200,000. Motion was made by Trustee Halstead to approve, seconded by Trustee Ryan Wood. All Ayes.

Steve Primo spoke for Administrator Jim Lynch

Attorney Primo advised Administrator Jim Lynch was at the Conference of Mayors and would be returning Thursday. He indicated Administrator Lynch had prepared a memorandum for the Board for tonight's meeting. Attorney Primo read the memorandum to the Board and in summary:

1. The DPW paving that was scheduled and budgeted for has been completed along with additional paving due to lower costs from the County. So the Village was able to go beyond the scope of work that was budgeted for with this extra money at a lower cost. The additional paving areas were Bridge Street from the railroad tracks to Candee Street, the State Street Pump Station parking area and the DPW parking lot.

2. Bartlett Tree Service will be in around mid-October for the authorized tree work.
3. The water tower is scheduled to be inspected and cleaned sometime in late fall.
4. Administrator Lynch has not been able to get in contact with the contractor for the bathhouse since we discussed the contract details last week. But he is hopeful that they will meet Friday or Saturday of this week.
5. Administrator Lynch asked for approval to perform the requested work to be done on Lock Island as per Canal Corporation and he provided information to the Trustees on this and would like the authorization to begin promoting the islands for events flea markets, music shows, etc. for means of generating revenue. The State will clear an area for two handicapped parking spaces by the gazebo area on the island, they will give the Village some of the signage for the parking areas, and asked if the Village could supply one sign at the entrance of the paved way. They mentioned the tilting lamp post in the park area that was hit by on-site contracting when the gazebo was being constructed. They also mentioned the dock area being in poor condition. Administrator Lynch will get together with John Kerfien to address the issue. He indicated it would be a good idea to power wash the walkway to the gazebo as it is covered with goose droppings.
6. The Village needs to add some handicapped parking areas in the business district of the Village. Administrator Lynch intends to go over those areas with the Board and upon approval, contact John Kerfien to do the alteration.
7. Administrator Lynch requested authorization to explore grants and/or a possibility of working with the Town of Schroepel to clean up the pond area and install some type of fountain or something necessary for water flow. The town has actually approached him to see if he had an interest in the program. Deputy Dunn said the Lock Street Pond is getting overgrown and we've been trying to get some kind of fountain in there with an aerator like you see around some of the factories. The board agreed to seek grants for the pond work.
8. Administrator Lynch requested authorization to begin a program for a community service project to be started with Village youth, it would be adopt a hydrant program. The youth in the community would take on responsibility of cleaning out the Village's neighborhood fire hydrants from snow in the winter months. Deputy Dunn said he spoke with Administrator Lynch and they talked about that and painting of historic markers also that are around the village that the state no longer paints.

Abstract

Deputy Mayor Dunn inquired if anyone had any questions or concerns with Abstract #14 dated September 16, 2014 in the amount of \$148,995.63. Trustee David Pendergast made the motion to approve, general fund vouchers 388-417; water fund vouchers 393-411; sewer fund vouchers 391-417; library fund vouchers; capital water/sewer projects voucher 399 and trust and agency fund vouchers 86-89, seconded by Trustee Ryan Wood. All ayes.

Deputy Mayor Dunn indicated the Village Board needed to ratify the Board telephone poll for Abstract #13 dated September 2, 2014 in the amount of \$36,506.85. Trustee Ryan Wood made the motion to approve, general fund vouchers 367-387; water fund vouchers 367-386; sewer fund vouchers 367-387; library fund vouchers 83-85 and trust and agency fund vouchers 70-79, seconded by Trustee David Pendergast. All ayes.

Deputy Mayor Dunn indicated the Village Board needed ratify the Board telephone poll taken on July 22, 2014 for payment to O'Brien & Gere \$5,500.00, balance owed to them for Sewer Treatment Plant. Trustee David Pendergast made the motion to approve, seconded by Trustee Ryan Wood. All ayes.

Deputy Mayor Dunn indicated the Village Board needed ratify the Board telephone poll taken on July 26, 2014 for Fire Department to have push-ball tournament on State Street. Trustee David Pendergast made the motion to approve, seconded by Trustee Ryan Wood. All ayes.

Deputy Mayor Dunn indicated the Village Board needed ratify the Board telephone poll taken on August 20, 2014 for Byrne Dairy to hookup to sewer and water. Trustee David Pendergast made the motion to approve, seconded by Trustee Ryan Wood. All ayes.

Deputy Mayor Dunn indicated the Village Board needed ratify the Board telephone poll taken on August 26, 2014 for payment to NYCOM and Hampton Inn for Jim Lynch training September 15 – 18, 2014. Trustee David Pendergast made the motion to approve, seconded by Trustee Ryan Wood. All ayes.

Old Business

Meeting minutes for Regular Board Meeting on July 15, 2014, Deputy Mayor Dunn asked if anyone had any questions or concerns. Motion was made by Trustee David Pendergast to approve, seconded by Trustee John Halstead. All ayes.

Executive Session on July 15, 2014, Deputy Mayor Dunn asked if anyone had any questions or concerns. Motion was made to approve bygone Trustee David Pendergast, seconded by Trustee John Halstead. All ayes.

Meeting minutes for Regular Board Meeting on August 19, 2014, Deputy Mayor Dunn asked if anyone had any questions or concerns. Motion was made by Trustee Ryan Wood to approve, seconded by Trustee David Pendergast. All ayes.

Facility Use Request

Deputy Mayor Dunn indicated the Village received a facility use request for a wedding reception on October 25, 2014 from 1:00 – 6:00pm, along with the required insurance documents. Attorney Primo noted that they should make sure no alcohol was being served, and if so additional insurance coverage would be required. Motion to approve was made from Trustee David Pendergast, seconded by Trustee Ryan Wood. All ayes.

Public Comments

Residents Tina Bennet, Mike Wyant, Savannah Jaquay, Erin Felix, Alexis Semanchuk, Gail Gleason, Larry Rawson, Richard Foley, Andrew Bittel, Eric Coons, Christal Monica, Christian Felix, Tom Jaquay and Mike Lattimore all spoke with concerns with the quality of the water. Several indicated they do not drink the water and don't want their family drinking the water. Some indicated they were not aware of the severity of the problem nor that a fix to the source issue may still not address concerns as the village transmission infrastructure is also a problem. Some indicated they felt the water makes them ill. One resident showed a water filter that was brown and was used for three months. Some indicated they were concerned regarding the length of time the Village was taking to resolve the water quality issues, and some inferred that the Mayor should step down if his health concerns were causing any delay in addressing this problem. Several suggested that the Village had been dealing with the issue quietly or in secret and that the residents were not being fully informed. There were questions as to the Village's plan to address the transmission system (mains and lines) and were advised that a plan for incremental replacement of lines as part of a capital plan had been the proposed resolution and that it was believed the first area had been addressed in 2013 but that if project costs related to WWTP sanitary sewer issues could be reduced as recently discussed with DEC there may be sufficient capital funds to address the water supply main and line replacement more aggressively. The Village attorney was criticized for his tone in implying that prior administrations had not addressed these concerns and for "aggressive body language". Trustee Halstead, requesting to address the board at the podium as a resident was criticized for doing so. One resident questioned who bears the cost of penalties if the September 30th date were not met by the Village.

Motion was made by Trustee Ryan Wood to adjourn the meeting at 10:35pm, seconded by Trustee David Pendergast. All ayes.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer